

### **REMARKS**

This application has been reviewed in light of the Office Action dated April 23, 2004. Claims 1-19 are pending in the application. By the present amendment, claims 1 and 13 have been amended. No new matter has been added. The Examiner's reconsideration of the rejection in view of the amendment and the following remarks is respectfully requested.

By the Office Action, claims 1-12 and 13-19 stand rejected under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. The Applicant respectfully disagrees with the rejection.

The Examiner stated that claim 1 and 13 essentially fail to show how the selection of certain ones or selected ones is determined. The Examiner further stated that it would be beneficial to show how the bandwidth of each DSL path is utilized in this selection. As stated throughout the specification, the total bandwidth of a video signal is limited over larger distances. Hence, the bandwidth available determines which of and how many of the subsignals can be sent. These subsignals represent portions of the original video signal and each subsignal includes a better level of resolution over a previous level. This is stated throughout the original claims. However, to further prosecution of the case claims 1 and 13 have been amended to clarify the present invention in a way believed to address the Examiner's concerns.

Claim 1 now states, *inter alia*, selecting certain ones of said sub-signals according to a level of importance and according to a bandwidth suitable for subsequent reception over a digital subscriber line (DSL) path.

Claim 13 now states, *inter alia*, controlling the digital subscriber line access multiplexer (DSLAM) to deliver to the customer premises equipment (CPE) selective ones of the

video layers the selective ones being chosen according to a level of importance of the subsignal and the bandwidth available.

The level of importance is shown in FIG. 2, where the most important sub-signal corresponds to the crudest resolution. If the bandwidth is available higher resolution video is made available to the customer. Reconsideration of the rejection is earnestly solicited.

By the Office Action, claims 1-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zhang et al (U.S. Patent No. 6,181,711), hereinafter Zhang, in view of Voit et al. (U.S. Patent No. 6,424,657), hereinafter Voit. The Applicant respectfully disagrees with the rejection.

Zhang is directed to delivering video over a network, but is mainly concerned with providing a constant bit rate for video. The method of Zhang provides for switching between bit rates in accordance with the communication channel that will carry the digital signal. The present invention seeks to provide the most important video information to a user based upon available bandwidth at the user's location. This is significantly different. In FIG. 4 of Zhang, the video signal 420 is split into an audio, video and data signals. These signals are not video sub-signals as recited in the claims of the present invention (see Zhang col. 10, lines 3-18). While these signals are encoded, the object is to compress the signals to achieve different bit rates for the same signal where the bit rate is compatible with an available channel, which will carry the signal.

Zhang fails to disclose or suggest, *inter alia*, separating the digitally compressed video signal into multiple sub-signals, and selecting certain ones of said sub-signals according to a level of importance and according to a bandwidth suitable for subsequent reception over a digital subscriber line (DSL) path, as recited in claim 1.

Voit is cited by the Examiner to cure these deficiencies. However, Voit fails to cure these deficiencies since Voit is directed to a system with grades or levels of service. In other words, the speed at which data is provided is purchased by a subscriber. (see Voit col. 5, lines 28-40). This presupposes that all users can receive the full speed service if desired. This is not the case for distance users and the present invention seeks to solve this problem.

In addition, Voit provides different quality levels or tiers of service of the same content. Each signal is subscribed to in advance and each signal represents the entire video signal. The signal of Voit is not selected based upon importance levels or based on available bandwidth. The present invention separates a compressed video signal into sub-signals; the sub-signals have different levels of importance, but are constituent parts of the same video signal. For the present invention, the more bandwidth that is available, the more importance levels are received and the better the picture. This is not the case with Voit which sends different quality signals to different subscribers based upon the tier of service subscribed to.

The steps of separating the digitally compressed video signal into multiple sub-signals, and selecting certain ones of said sub-signals according to a level of importance and according to a bandwidth suitable for subsequent reception over a digital subscriber line (DSL) path are not disclosed or suggested by the cited combination of references.

Claim 1, recites, *inter alia*, separating the digitally compressed video signal into multiple sub-signals; ... and selecting certain ones of said sub-signals according to a level of importance and according to a bandwidth suitable for subsequent reception over a digital subscriber line (DSL) path.

It is therefore respectfully submitted that the present invention is not disclosed or suggested by the cited reference taken alone or in combination. Claim 1 and its dependent claims

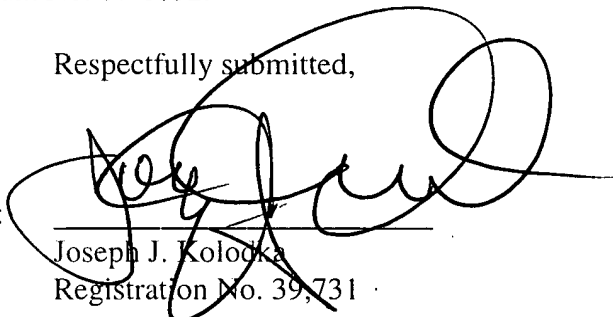
2-12 are believed to be in condition for allowance for at least the reasons stated.

The Applicant notes with appreciation the allowability of claims 13-19 if rewritten or amended to overcome the rejection under 35 USC § 112, second paragraph. Claims 1 and 13, and therefore claims 2-12 and 14-19, are believed to be in condition for allowance. In view of the foregoing amendments and remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's Deposit Account No. 07-0832.

Respectfully submitted,

By:

  
\_\_\_\_\_  
Joseph J. Kolodka  
Registration No. 39,731

July 28, 2004

**Mailing Address:**

**THOMSON LICENSING INC.  
P.O. BOX 5312  
2 INDEPENDENCE WAY  
PRINCETON, NJ 08543-5312**